



General Assembly

February Session, 2016

Raised Bill No. 463

LCO No. 3297



Referred to Committee on FINANCE, REVENUE AND
BONDING

Introduced by:
(FIN)

***AN ACT CONCERNING THE PENALTY FOR VIOLATIONS OF A
MUNICIPAL ORDINANCE CONCERNING THE OPERATION OF A DIRT
BIKE OR ALL-TERRAIN VEHICLE.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 14-390m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Any municipality that adopts an ordinance pursuant to section
4 7-148 to regulate the operation and use on public property, including
5 hours of use, of dirt bikes or all-terrain vehicles may (1) prescribe a
6 penalty for violation of such ordinance in an amount not to exceed one
7 thousand dollars for a first violation, in an amount not to exceed one
8 thousand five hundred dollars for a second violation and in an amount
9 not to exceed two thousand dollars for a third or subsequent violation,
10 and (2) provide for the seizure and forfeiture to the municipality of
11 such dirt bike or all-terrain vehicle for a violation of such ordinance,
12 provided three or more persons are simultaneously found in violation
13 of such ordinance, and subject to any bona fide lien, lease or security

14 interest in the dirt bike or all-terrain vehicle, including, but not limited
15 to, a lien under section 14-66c. Any penalty imposed pursuant to this
16 section shall not be waived, except as provided in subsection (c) of this
17 section.

18 (b) No dirt bike or all-terrain vehicle shall be forfeited under this
19 section to the extent of the interest of an owner or lienholder by reason
20 of any act or omission committed by another person if such owner or
21 lienholder did not know and could not have reasonably known that
22 such dirt bike or all-terrain vehicle was being used in violation of a
23 municipal ordinance.

24 (c) Upon complaint alleging that any such dirt bike or all-terrain
25 vehicle was being used in violation of any such ordinance, the court
26 may order such dirt bike or all-terrain vehicle to be forfeited to the
27 municipality and delivered to the chief elected official of the
28 municipality to be sold or destroyed within his or her discretion. The
29 proceeds of such sale shall be paid to the treasurer of the municipality,
30 who shall deposit such proceeds into the general fund of such
31 municipality. The person using or in charge of any dirt bike or all-
32 terrain vehicle used in violation of any such provision may be
33 considered the owner thereof for the purpose of any complaint
34 brought to procure condemnation or forfeiture of any such dirt bike or
35 all-terrain vehicle, when the owner is unknown to the informer or
36 prosecuting officer. An appeal may be taken by any party aggrieved,
37 from any judgment upon any such complaint, within fifteen days, to a
38 return day of the superior court in the judicial district in which
39 judgment was rendered, which shall be not less than twelve or more
40 than thirty days after the service thereof, provided the party appealing
41 shall give sufficient bond, with surety for costs, to the adverse party;
42 and the appellate court may proceed in the disposition of such cause in
43 the same manner as in any in rem proceeding. Any person prevailing
44 on the complaint or on appeal shall not be required to pay the penalty
45 set forth in subsection (a) of this section.

46 (d) For the purposes of this section, "dirt bike" means a two-wheeled
47 motorized recreational vehicle designed to travel over unimproved
48 terrain and not designed for travel on a highway, as defined in section
49 14-1, and "all-terrain vehicle" has the same meaning as provided in
50 section 14-379. "Dirt bike" does not include an all-terrain vehicle, as
51 defined in section 14-379, or a motor-driven cycle, as defined in section
52 14-1.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	14-390m

Statement of Purpose:

To prohibit the waiver of penalties for violations of municipal dirt bike or all-terrain vehicle ordinances and to require forfeiture and sale or destruction of dirt bikes or all-terrain vehicles used by persons found in violation of any such ordinance for a third or subsequent time.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]